

## Chapter 12.10

### USE OF PUBLIC PROPERTY

#### Sections:

- 12.10.010 Use of public property for private purposes.
- 12.10.020 Obstruction of rights of way.
- 12.10.030 Permits.

12.10.010 Use of public property for private purposes. It shall be unlawful for any person to use public property or rights of way including, but not limited to, that portion of any street right of way outside of the roadway, for private purposes, except as permitted by ordinance, franchise, public right, lease, Council permit, or otherwise in accordance with law. (Ord. 3, §6(part), 1987)

#### 12.10.020 Obstruction of rights of way.

A. It shall be unlawful for any person to construct any fence or other improvement, to place anything upon, or to plant any hedge, shrubs, trees or other plantings upon any public property, including streets, sidewalks and any part of a street right of way not being used for traffic that would impede or obstruct normal pedestrian traffic or vehicular traffic or would create a traffic hazard by sight barrier to or from motor vehicles, bicyclists, pedestrians, or would create any other safety hazard.

B. If the limitations of subsection (A) above are met along with any other applicable requirements of City ordinances and regulations, the party in lawful possession of property abutting those parts of street rights of way which are not being used for vehicular or pedestrian traffic or other public use may landscape and maintain such portions of the street right of way.

C. No person using public street right of way or other property for any purpose allowed under this Section shall acquire any vested right or interest in any part of such public property by virtue of any such use or the installation and maintenance of improvements or landscaping upon it and shall, upon the demand of the City, remove any improvements, landscaping or other property from the public property affected.

D. Any person using or maintaining public property as allowed by this Section shall do so in a careful and prudent manner in compliance with all City ordinances and shall be responsible for any damages caused by their negligent acts or failure to act. (Ord. 3, §6(part), 1987)

12.10.030 Permits.

A. The City Council may grant a special permit for the temporary use or occupation of a street, alley or other public property for civic events, parades, special sales or other events of a public or quasi-public nature. Any such permit may be revoked by the Council at any time.

B. 1. If the limitations of Subsection 12.10.020(A) above are met, along with other applicable requirements of City ordinances or regulations, parties in lawful possession of property in the B-1 Central Business District may utilize a portion of the abutting City sidewalk located on Main Street right-of-way for display of merchandise for sale.

2. Any person utilizing the sidewalk for these purposes shall maintain the sidewalk and premises in good and safe condition and shall preserve a minimum of nine feet of sidewalk adjacent to the curb to be clear of merchandise and obstructions.

3. The City Council may revoke or suspend the rights granted herein as it deems appropriate in its sole discretion. No vested right to the use of City sidewalk shall be obtained.

4. There is hereby created a "right of action" against the owners of property abutting City sidewalks which have businesses thereon which make any utilization of the sidewalk pursuant to this Section, on account of their failure to remove snow, ice, debris or obstructions from abutting sidewalks, to maintain abutting sidewalks in a safe condition, or to correct any dangerous condition of such abutting sidewalks. The owners of the abutting property shall be civilly liable for the violation of any provisions of this Section by anyone injured as a result thereby and shall be civilly liable to hold harmless, defend and indemnify the City, its officers and employees on account of any claim made or adjudged against the City, its officers or employees on account of their failure to comply with the provisions of this Section. (Ord. 3, §6(part), 1987; Ord. 15, §1, 1998)